

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

I.U. NORTH AMERICA, INC. and)
NOSROC CORPORATION,)
)
Plaintiffs,) C.A. No. 22-cv-01360-GBW
)
)
v.)
)
)
ALLIANZ UNDERWRITERS)
INSURANCE COMPANY, formerly)
known as ALLIANZ)
UNDERWRITERS, INC.,)
)
Defendant.

**STIPULATION AND [PROPOSED] ORDER TO STAY DEADLINES
IN CASE SCHEDULING ORDER**

WHEREAS, on October 14, 2022, I.U. North America, Inc. and Nosroc Corporation (“Plaintiffs”) filed their Complaint against Defendant Allianz Underwriters Insurance Company, formerly known as Allianz Underwriters, Inc. (“Defendant”) in the above-captioned action (this “Action”);

WHEREAS, on October 30, 2024, the Court entered a scheduling order (the “Scheduling Order”) (D.I. 38) to govern this Action, including:

- Fact Discovery completed by June 27, 2025
- Expert Discovery due by November 3, 2025
- Final Pretrial Conference on August 18, 2026
- Bench trial on August 25, 2026;

WHEREAS, on April 29, 2025, the parties engaged in an unsuccessful mediation in an attempt to settle the claims at issue in this Action;

WHEREAS, the parties have scheduled an arbitration proceeding (the “Arbitration Proceeding”) in September 2025;

WHEREAS, the parties have coordinated discovery in this Action and the Arbitration and agree to continue to coordinate discovery that they expect may be taken after June 27, 2025;

WHEREAS, the parties believe that the matters in the Arbitration Proceeding may impact issues and discovery in this Action;

WHEREAS, to efficiently litigate the claims at issue in this Action and to litigate the claims in the pending Arbitration Proceeding;

IT IS HEREBY STIPULATED AND AGREED, by and among the parties hereto, through their undersigned counsel, and subject to approval by the Court, as follows:

1. All deadlines in the Scheduling Order (D.I. 38) are hereby vacated and stayed pending resolution of the Arbitration Proceeding;
2. Plaintiffs will not object to Defendant’s issuance to PACE of a third-party subpoena for the production of documents;
3. Plaintiffs will not object to Defendant’s proceeding with discovery pursuant to that third-party subpoena in the Arbitration Proceeding;

4. The parties shall inform the Court within thirty days of a final ruling in the Arbitration and present a proposed Scheduling Order to the Court to resolve the issues in this Action; and

5. This stipulation is without prejudice to any party's rights, claims, or defenses in this Action and the Arbitration.

Respectfully submitted,

May 15, 2025

MORGAN, LEWIS & BOCKIUS LLP COOCH AND TAYLOR, P.A.

/s/ Jody C. Barillare

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Attorneys for Defendant Allianz Underwriters Insurance Company, formerly known as Allianz Underwriters, Inc.

IT IS HEREBY ORDERED this ____ day of May, 2025.

UNITED STATES DISTRICT JUDGE